

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JULIO CESAR HERNANDEZ, #1800682

VS.

DIRECTOR, TDCJ-CID

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CIVIL ACTION NO. 4:19cv662

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. The Magistrate Judge recommended the petition for writ of habeas corpus be dismissed without prejudice to Petitioner's right to file a motion for leave to file a successive § 2254 petition in the United States Court of Appeals for the Fifth Circuit pursuant to 28 U.S.C. §§ 2244(b)(3)(A), 2255. The Fifth Circuit Court of Appeals denied Petitioner's motion for authorization to file a successive petition on January 22, 2021. No objections were timely filed. The Court concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court.

It is accordingly **ORDERED** that the petition for writ of habeas corpus (Dkt. # 1) is **DISMISSED** without prejudice. All motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 12th day of April, 2021.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE